UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,397	02/15/2002	Peter J. Wonfor	0085C	4138

			EXAMINER

7590   11/15/2006

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EXAMINER
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ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>63-77</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>63-77</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Claim Objections

1.   Claim 75 is objected to because of the following informalities: it appears that the terms

"received to" refer to "transmitted to". Please change the term "received" to –transmitted-- or an

appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 63-77 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant regards

as the invention.

Claims 63, 70, and 74 are indefinite because there is no antecedent basis for the

limitation "the recorded signal material" and/or "the original signal material" in lines 3-4.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in
> public use or on sale in this country, more than one year prior to the date of application for patent in
> the United States.

5.   Claims 63-77 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (U.S.

5,315,448 A).

Regarding claim 63, Ryan teaches a method for providing copy protection of signal

material (digital video) transmitted via digital delivery networks (i.e., cable TV systems) (col. 7,

lines 55-58 and figure 1), wherein a copy protection signal prevents copying and/or subsequent

viewing of the recorded signal material while allowing viewing of the original signal material (see

abstract), comprising: generating a copy protection commands having a mode control command

of one or more bit (SCPS bits); transmitting the signal material (digital video) and the mode

control, command to a plurality of remote devices (14, 10) coupled to the networks; and in

response to the mode control command, activating the copy protection signal for the signal

material (adding or setting to high the second or actual anti-copy bit) in one or more remote

device to prevent said copying and/or subsequent viewing of the recorded signal material while

allowing viewing of the original signal material (see col. 7, lines 34-54; col. 8, lines 3-15).

Regarding claim 64, Ryan teaches transmitting the copy protection signal (within the

video signal) to the plurality of remote devices; and applying the transmitted copy protection

signal to the signal material in response to the mode control command (see col. 7, line 67 to col.

8, line 9).

Regarding claim 65, Ryan teaches storing the copy protection signal (within 60) in one or

more of the remote devices; and recovering the copy protection signal from storage and

applying the recovered copy protection signal to the signal material (adding or setting anti-copy

bit in the digital video signal) in response to the mode control command (in response to present

of the first SCPS bit) (see col. 7, lines 41-48).

Regarding claim 66, Ryan teaches that the copy protection command includes a

changeable configuration bit pattern (the serial copy protection scheme bits) indicative of one or

more copy protection signal; and the copy protection signal is applied to the signal material in

response to a corresponding configuration bit pattern selected by the mode control command

(the first SCPS bit) (see col. 7, lines 36-54).

Regarding claim 67, Ryan teaches storing said copy protection signal (within 60) in respective remote devices; recovering a selected signal of said one or more copy protection signal from storage in response to a corresponding configuration bit pattern selected by the mote control command (the first SCPS bit) (see col. 7, lines 36-54); and applying the copy protection signal to the signal material to modify the signal material (adding or setting anti-copy bit in the digital video signal) such that a copy thereof is unviewable, is viewable but uncopiable (see col. 7, lines 43-54; col. 8, lines 3-15).

Regarding claim 68, Ryan teaches that the mode control command and the configuration bit pattern each comprise one or more bit (see col. 7, lines 36-43).

Regarding claim 69, Ryan teaches that the copy protection command includes a bit pattern for on/off/mode control and a multiple bit pattern which defines the changeable configuration bit pattern (i.e., set the second bit to high) (see col. 7, lines 41-50).

Regarding claim 70, Ryan teaches a system for controlling copy protection of proprietary signal material (digital video) transmitted via digital delivery networks (i.e., cable TV systems) (col. 7, lines 55-58 and figure 1), wherein a service provider (i.e., broadcaster or provider) enables a copy protection signal which prevents unauthorized copying and/or subsequent viewing of the recorded signal material while allowing viewing of the original signal material by consumers even when the original signal material is watchable (see abstract), the system comprising: a service provider center (broadcaster or provider) for supplying a copy protection command having a mode control command of one or more bit (SCPS bits) (col. 7, lines 55-57 and figure 1); a transmitter (i.e., cable TV transmission system) for selectively transmitting the signal material (digital video) and the mode control command (col. 7, lines 55-57 and figure 1); and a device (14, 10) located with each consumer for providing the copy protection signal and for selectively applying the copy protection signal to the signal material (by adding or setting to

high the second or actual anti-copy bit) in response to the mode control command to prevent

copying and/or subsequent viewing of the recorded signal material while allowing viewing of the

original signal material (see col. 7, lines 34-54; col. 8, lines 3-15).

Regarding claim 71, Ryan teaches transmitting the copy protection signal (via the digital

video signal) to the device 10 (see figure 1).

Regarding claim 72, Ryan teaches the copy protection signal is stored in the device

(within 60) (see figure 1).

Regarding claim 73, Ryan teaches that the copy protection command includes a

configuration bit pattern command (SCPS bits) which determines a programmable operating

configuration of the copy protection signal; the transmitter transmits the configuration bit pattern

command (SCPS bits); and the device selectively (based on the present of the first SCPS bit)

applies the programmable operating configuration to the signal material (adding or setting anti-

copy bit in the digital video signal) in response to the mode control command (based on the

present of the first SCPS bit) (see col. 7, lines 43-54; col. 8, lines 3-15).

Regarding claim 74, Ryan teaches a method for providing copy protection of signal

material (digital video) to remote devices (14, 10) via transmitted via digital delivery networks

(i.e., cable TV systems) (col. 7, lines 55-58 and figure 1), wherein a copy protection signal

prevents copying and/or subsequent viewing of a recorded signal material while allowing

viewing of the original signal material (see abstract), comprising: generating a copy protection

commands having a mode control command of one or more bit (SCPS bits); transmitting the

signal material (digital video) and the mode control command to a plurality of remote devices

(14, 10) coupled to the networks; and in response to the mode control command, activating the

copy protection signal for the signal material (adding or setting to high the second or actual anti-

copy bit) in one or more remote device to prevent said copying and/or subsequent viewing of

the recorded signal material while allowing viewing of the original signal material (see col. 7, lines 34-54; col. 8, lines 3-15).

Regarding claim 75, Ryan teaches transmitting the copy protection signal (via the digital video signal) to the device 10 (see figure 1).

Regarding claim 76, Ryan teaches the copy protection signal is stored in the device (within 60) (see figure 1).

Regarding claim 77, Ryan teaches that the copy protection command includes a programmable configuration bit pattern (SCPS bits) for determining a selected copy protection signal configuration to be applied to the signal material; and the selected copy protection configuration is applied to the signal material (by adding or setting anti-copy bit in the digital video signal) in response to the programmable configuration bit pattern enable by the mode control command (based on the present of the first SCPS bit) (see col. 7, lines 43-54; col. 8, lines 3-15).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamauchi (US 5,668,873 A) teaches a video signal processor with copy prevention function.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ngoc K. Vu
Primary Examiner
Art Unit 2623

November 13, 2006